

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 723

Introduced by Assembly Member Rendon

February 25, 2015

An act to amend Sections 1101.4 and 1101.5 of the Civil Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as amended, Rendon. Rental property: plumbing fixtures: replacement.

Existing law requires, on and after January 1, 2017, replacement by the property owner of noncompliant plumbing fixtures in any single-family residential real property. Existing law requires, on and after January 1, 2019, replacement of noncompliant plumbing fixtures in multifamily residential real property and commercial real property, as specified.

This bill would require the lease *or rental agreement* of a single-family residential real property or any portion of a multifamily residential real property or commercial real property that is entered into, renewed, or amended after ~~January 1, 2016~~, *July 1, 2016, or January 1, 2017, respectively*, to ~~contain a provision in which the property owner states his or her~~ *be accompanied by a written disclosure stating the property owner's* responsibility to replace all noncompliant plumbing fixtures

with water-conserving plumbing fixtures on or before January 1, 2017, or January 1, 2019, respectively. ~~The bill would authorize any party, including a city, county, or water supplier to enforce that lease provision.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1101.4 of the Civil Code is amended to
2 read:

3 1101.4. (a) On and after January 1, 2014, for all building
4 alterations or improvements to single-family residential real
5 property, as a condition for issuance of a certificate of final
6 completion and occupancy or final permit approval by the local
7 building department, the permit applicant shall replace all
8 noncompliant plumbing fixtures with water-conserving plumbing
9 fixtures.

10 (b) On or before January 1, 2017, noncompliant plumbing
11 fixtures in any single-family residential real property shall be
12 replaced by the property owner with water-conserving plumbing
13 fixtures.

14 (c) On and after January 1, 2017, a seller or transferor of
15 single-family residential real property shall disclose in writing to
16 the prospective purchaser or transferee the requirements of
17 subdivision (b) and whether the real property includes any
18 noncompliant plumbing fixtures.

19 (d) The lease *or rental agreement* of any single-family
20 residential real property that is entered into, renewed, or amended
21 on or after ~~January~~ July 1, 2016, shall ~~contain a provision in which~~
22 ~~the property owner shall state his or her~~ *be accompanied by a*
23 *written disclosure stating the property owner's* responsibility to
24 replace all noncompliant plumbing fixtures with water-conserving
25 plumbing fixtures on or before January 1, 2017. ~~That provision~~
26 ~~may be enforced by a city, county, city and county, water supplier,~~
27 ~~or any other party.~~

28 (e) *The following provision is deemed adequate to satisfy the*
29 *notice requirement prescribed by subdivision (d):*

30
31 *"Section 1101.4 of the Civil Code requires all single-family*
32 *residences to be equipped with water-conserving plumbing fixtures*

1 *on or after January 1, 2017. Section 1101.5 of the Civil Code*
2 *requires all multifamily residential real property and all*
3 *commercial real property to be equipped with water-conserving*
4 *plumbing fixtures on or after January 1, 2019. Fixtures in this*
5 *dwelling, multifamily residential real property, or commercial*
6 *property may not comply with Sections 1101.4 and 1101.5 of the*
7 *Civil Code. The property owner is responsible for equipping this*
8 *property with water-conserving plumbing fixtures by January 1,*
9 *2017, or January 1, 2019.”*

10
11 *(f) Single-family residential real properties in compliance with*
12 *subdivision (a) or (b) shall not be required to comply with the*
13 *notice requirement prescribed by subdivision (d).*

14 SEC. 2. Section 1101.5 of the Civil Code is amended to read:

15 1101.5. (a) On or before January 1, 2019, all noncompliant
16 plumbing fixtures in any multifamily residential real property and
17 in any commercial real property shall be replaced with
18 water-conserving plumbing fixtures.

19 (b) An owner or the owner’s agent may enter the owner’s
20 property for the purpose of installing, repairing, testing, and
21 maintaining water-conserving plumbing fixtures required by this
22 section, consistent with notice requirements of Section 1954.

23 (c) On and after January 1, 2019, the water-conserving plumbing
24 fixtures required by this section shall be operating at the
25 manufacturer’s rated water consumption at the time that the tenant
26 takes possession. A tenant shall be responsible for notifying the
27 owner or owner’s agent if the tenant becomes aware that a
28 water-conserving plumbing fixture within his or her unit is not
29 operating at the manufacturer’s rated water consumption. The
30 owner or owner’s agent shall correct an inoperability in a
31 water-conserving plumbing fixture upon notice by the tenant or if
32 detected by the owner or the owner’s agent.

33 (d) (1) On and after January 1, 2014, all noncompliant plumbing
34 fixtures in any multifamily residential real property and any
35 commercial real property shall be replaced with water-conserving
36 plumbing fixtures in the following circumstances:

37 (A) For building additions in which the sum of concurrent
38 building permits by the same permit applicant would increase the
39 floor area of the space in a building by more than 10 percent, the

1 building permit applicant shall replace all noncompliant plumbing
2 fixtures in the building.

3 (B) For building alterations or improvements in which the total
4 construction cost estimated in the building permit is greater than
5 one hundred fifty thousand dollars (\$150,000), the building permit
6 applicant shall replace all noncompliant plumbing fixtures that
7 service the specific area of the improvement.

8 (C) Notwithstanding subparagraph (A) or (B), for any alterations
9 or improvements to a room in a building that require a building
10 permit and that room contains any noncompliant plumbing fixtures,
11 the building permit applicant shall replace all noncompliant
12 plumbing fixtures in that room.

13 (2) Replacement of all noncompliant plumbing fixtures with
14 water-conserving plumbing fixtures, as described in paragraph (1),
15 shall be a condition for issuance of a certificate of final completion
16 and occupancy or final permit approval by the local building
17 department.

18 (e) On and after January 1, 2019, a seller or transferor of
19 multifamily residential real property or of commercial real property
20 shall disclose to the prospective purchaser or transferee, in writing,
21 the requirements of subdivision (a) and whether the property
22 includes any noncompliant plumbing fixtures. This disclosure may
23 be included in other transactional documents.

24 (f) The lease or rental agreement of any portion of a multifamily
25 residential real property or commercial real property that is entered
26 into, renewed, or amended on or after January 1, 2016, 2017, shall
27 contain a provision in which the property owner shall state his or
28 her be accompanied by a written disclosure stating the property
29 owner's responsibility to replace all noncompliant plumbing
30 fixtures with water-conserving plumbing fixtures on or before
31 January 1, 2019. That provision may be enforced by a city, county,
32 city and county, water supplier, or any other party.

33 (g) The following provision is deemed adequate to satisfy the
34 notice requirement prescribed by subdivision (f):
35

36 "Section 1101.4 of the Civil Code requires all single-family
37 residences to be equipped with water-conserving plumbing fixtures
38 on or after January 1, 2017. Section 1101.5 of the Civil Code
39 requires all multifamily residential real property and all
40 commercial real property to be equipped with water-conserving

1 *plumbing fixtures on or after January 1, 2019. Fixtures in this*
2 *dwelling, multifamily residential real property, or commercial*
3 *property may not comply with Sections 1101.4 of 1101.5 of the*
4 *Civil Code. The property owner is responsible for equipping this*
5 *property with water-conserving plumbing fixtures by January 1,*
6 *2017, or January 1, 2019.”*

7
8 *(h) Multifamily residential real properties and commercial real*
9 *properties in compliance with subdivision (a) or (d), and*
10 *commercial real properties without plumbing fixtures, shall not*
11 *be required to comply with the notice requirements prescribed by*
12 *subdivision (f).*

13
14
15 **CORRECTIONS:**

16 **Text—Page 5.**
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